

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
 AT CHARLESTON

 UNITED STATES OF AMERICA, : CRIMINAL ACTION
 :
 Plaintiff, : NO. 2:16-cr-00049
 :
 -vs- :
 :
 MARK ANTHONY LEVITT, :
 :
 Defendant. :

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TRANSCRIPT OF
 ARRAIGNMENT AND DETENTION HEARING
 BEFORE THE HONORABLE DWANE L. TINSLEY,
 UNITED STATES MAGISTRATE JUDGE
 MARCH 16, 2016

APPEARANCES:

FOR THE PLAINTIFF:

AUSA LISA G. JOHNSTON

Assistant United States Attorney
 U.S. Attorney's Office
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 Charleston, WV 25326-1713

FOR THE DEFENDANT:

AFPD ANN MASON RIGBY

Assistant Federal Public Defender
 Federal Public Defender's Office
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Proceedings recorded by mechanical stenography from
 CourtSmart, transcript produced by computer.

 CATHERINE L. SCHUTTE-STANT, RMR, CRR
 Federal Official Court Reporter
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1 PROCEEDINGS had before The Honorable Dwane L.
2 Tinsley, United States Magistrate Judge, United States
3 District Court for the Southern District of West Virginia,
4 at Charleston, on March 16, 2016, as follows: 1:58 p.m.

5 COURTROOM DEPUTY CLERK: All rise. The United
6 States District Court for the Southern District of West
7 Virginia is now in session. The Honorable Dwane L. Tinsley,
8 United States Magistrate Judge, presiding.

9 Please be seated and come to order.

10 THE COURT: Good afternoon.

11 GROUP RESPONSE: Good afternoon, Your Honor.

12 THE COURT: We're here this afternoon in the
13 matter of the *United States of America versus Mark Anthony*
14 *Levitt*, Case Number 2:16-cr-00049. Would counsel please
15 note their appearances for the record, please.

16 MS. JOHNSTON: Lisa Johnston on behalf of the
17 United States.

18 THE COURT: Ms. Johnston.

19 MS. RIGBY: Ann Mason Rigby on behalf of Mr.
20 Levitt.

21 THE COURT: Thank you, Ms. Rigby.

22 Mr. Levitt, will you please rise and take an oath.

23 **MARK ANTHONY LEVITT, THE DEFENDANT, SWORN**

24 THE COURT: Mr. Levitt, you have the right to
25 remain silent. Anything that you say can be used against

1 you. Would you please state your full name for the record.

2 THE DEFENDANT: Mark Anthony Levitt.

3 THE COURT: And, Mr. Levitt, have you received a
4 copy of the indictment?

5 THE DEFENDANT: Yes.

6 THE COURT: Have you read the indictment?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand the indictment and
9 what you're charged with?

10 THE DEFENDANT: I do.

11 THE COURT: Have you had an opportunity to discuss
12 the charges in the indictment with your attorney, Ms. Rigby?

13 THE DEFENDANT: (No audible response.)

14 THE COURT: Would you like for me to read the
15 indictment out loud to you this afternoon?

16 THE DEFENDANT: (No audible response.)

17 THE COURT: As to the charges contained in this
18 indictment, how do you plead?

19 THE DEFENDANT: Not guilty.

20 THE COURT: Mr. Levitt, your case is assigned to
21 Judge Copenhaver. Your trial is scheduled for May 10th,
22 2016, at 9:30 a.m., here in Charleston.

23 There will be a hearing on pretrial motions on April
24 22nd, 2016, at 1:30 p.m.; also here in Charleston.

25 You have the right to be present at that hearing on

1 pretrial motions or you can give up that right to attend;
2 which would you prefer?

3 THE DEFENDANT: I'll -- (recording inaudible.)

4 THE COURT: Excuse me?

5 THE DEFENDANT: Attend.

6 THE COURT: You will attend. All right, thank
7 you, sir. You may be seated.

8 The parties have initialed the standard discovery
9 requests. Other pretrial motions are due on April 15, 2016.
10 Proposed jury instructions and proposed voir dire questions
11 are due on May 4th, 2016. And a witness list is due in
12 chambers on May 6th, 2016.

13 Be sure that Judge Copenhaver's law clerk gets a copy
14 of all motions at the time the originals are filed in the
15 clerk's office. Counsel are also directed to give 30 day's
16 notice to the Marshals Service via writ or ASR for the
17 production of out-of-district, in-custody defendants or
18 witnesses, and to cancel those requests for production if
19 their appearance becomes unnecessary.

20 Now, this defendant was previously detained and
21 remanded to the custody of the United States Marshal, and if
22 there is no reason to change that, Mr. Levitt, you are going
23 to be detained and remanded to the custody of the United
24 States Marshal until further proceedings in this matter.

25 Do you understand that, sir?

1 THE DEFENDANT: I do.

2 THE COURT: All right. Is there anything further
3 from counsel?

4 MS. JOHNSTON: No, Your Honor.

5 MS. RIGBY: No, Your Honor.

6 THE COURT: All right. If there is nothing
7 further, we're adjourned.

8 Good luck to you, Mr. Levitt.

9 COURTROOM DEPUTY CLERK: All rise.

10 This Honorable Court is now in recess.

11 (Proceedings concluded.)

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3 REPORTER'S CERTIFICATE

4 I, Catherine L. Schutte-Stant, Official Court
5 Reporter of the United States District Court for the
6 Southern District of West Virginia, do hereby certify that
7 the foregoing proceedings, which were taken out of my
8 presence, were transcribed by me from an audio-recording to
9 the best of my ability, and said proceedings are a true and
10 accurate transcript from my stenographic notes. I further
11 certify that pursuant to Section 753, Title 28, United
12 States Code that the foregoing is a true and correct
13 transcript of the stenographically reported proceedings held
14 in the above-entitled matter and that the transcript page
15 format is in conformance with the regulations of the
16 Judicial Conference of the United States.

17 Date: June 1, 2016

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19 /s/ CATHERINE L. SCHUTTE-STANT, RMR, CRR

20 CATHERINE L. SCHUTTE-STANT, RMR, CRR
21 FEDERAL OFFICIAL COURT REPORTER
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